

REMARKS

Claims 1-10 are pending in the above-captioned application. The Office Action rejected Claim 1 under 35 U.S.C. §103(a) as being assertedly unpatentable over German Patent DE 10057272, (the “German Patent”), in view of Downey, U.S. Patent No. 5,522,635, (“Downey”). The Office Action also rejected Claims 2-5 under 35 U.S.C. §103(a) as being assertedly unpatentable over the German Patent in view of Downey, further in view of Stahlecker et al., U.S. Patent No. 4,854,119, (“Stahlecker”).

The Office Action objected to Claims 6-10 as being dependent upon a rejected base claim but indicated that Claims 6-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

Although the applicant believes that the claims in their original form are patentably distinguishable over the cited references, in the interest of advancing prosecution, the applicant has amended Claim 1 to incorporate features from Claim 2 that further distinguish the invention of Claim 1 over the cited references. More specifically, the applicant has incorporated the feature that the clip-on closure comprises rigid centering elements mated to an edge contour of the yarn withdrawal nozzle and elastic clip-on elements. Claim 2 has been canceled and no new matter has been added.

With regard to the rejection of Claim 1 over the German Patent in view of Downey, the applicant submits that Downey is non-analogous art to the invention of the present application and to the German Patent and as such should not be considered in making a determination of obviousness.

The test for non-analogous art, that is, art to be considered in making a determination of obviousness, is set forth in In re Wood, 599 F.2d 1032, 202 USPQ 171 (CCPA 1979) as:

The determination that a reference is from a non-analogous art is therefore twofold. First, we decide if the reference is within the inventor's field of endeavor. If not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.

An apparatus for removably attaching a tonneau cover to a truck bed is clearly not within the field of open-end rotor spinning arrangements in the textile industry. Such prior art clearly fails the first part of the Wood, supra test. In determining whether Downey is reasonably pertinent to the particular problem with which the inventor was involved, the problem has to be identified. The problem addressed by the present invention is assuring optimum yarn feed and good yarn withdrawal by developing a cost-effective, exchangeable channel plate adapter that allows a simple and dependable fastening.

In re Horn, 203 USPQ 969 (CCPA 1979), in dealing with the pertinency of a reference to a particular problem, stated:

For the teaching of a reference to be prior art under 35 USC 103, there must be some basis for concluding that the reference would have been considered by one skilled in the particular art working on the pertinent problem to which the invention pertains. For no matter what a reference teaches, it could not have rendered obvious anything "at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains," unless said hypothetical person would have considered it.

If the relevancy of Downey is apparent at all, it is only with the benefit of applicant's disclosure, and improperly exercising hindsight. However, at the time the invention was made, a hypothetical person of ordinary skill in the art would not have considered devices in the field of truck bed apparatus as pertinent to the problem of an exchangeable channel plate adapter.

Further, even if combined, the German Patent and Downey would fail to result in the invention as claimed in the present application. In brief summary, the invention of the present application provides a channel plate adapter made of a plastic material that has an opening of a yarn guide channel and a central through-bore for a yarn-withdrawal nozzle. In the area of the

central through-bore, the channel plate adapter has a clip-on closure, which is formed as one piece on the plastic body of the channel plate adapter. The clip-on closure has centering elements and clip-on elements that serve to center and fix the yarn withdrawal nozzle to the channel plate adapter in a secure and easily exchangeable manner.

In contrast, the German Patent describes an open-end spinning arrangement whose fiber channel plate, therein called a rotor cover, projects, in the conventional manner, with a cover shoulder into the spinning rotor *rather* than having a channel plate adapter, as in the present invention. The cover shoulder has a fiber guide channel that extends through the cover shoulder and terminates at the front of the cover shoulder. The open-end spinning arrangement includes a fiber guide to feed the fibers brought in through the fiber guide channel into the fiber glide wall of the spinning rotor.

The fiber guide of the German Patent is fixed in place by a clip closure, which is arranged in an off-centered manner on the cover shoulder and requires a further clip closure in order to clamp in place a yarn draw-off nozzle. In contrast, the clip closure of the present invention is formed in the channel plate adapter itself of a one piece plastic body and provides centering and fixing of a yarn withdrawal nozzle without additional supplemental clip closures.

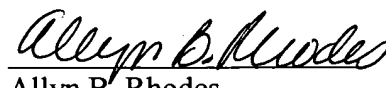
Downey teaches an elongated plastic extrusion, which is slidingly received in the channel of a frame member for clipping a tonneau cover in place. In contrast, the clip-on closure of the present invention is formed as one piece on the plastic body of the channel plate adapter. Thus, there is no sliding reception of the clip-on element into the channel plate adapter of the present invention because all of the components of the clip-on closure are integral to the channel plate adapter.

Combining the German Patent with Downey would provide a fiber guide that is clipped in an off-centered manner to the cover element of an open end rotor spinning arrangement using clips that are slidably received in the cover element. Such resulting device would fail to teach or suggest the channel plate adapter of the present invention. Further, the German Patent alone or in combination with any other cited reference fails to teach or suggest the channel plate adapter of the present invention.

Accordingly, the applicant submits that Claim 1 of the present application is not made obvious by the German Patent or Downey, either alone or in combination. Based on the foregoing, the applicant further submits that Claim 1, and all claims depending therefrom, are patentably distinct over the German Patent and Downey, either alone or in combination, and in combination with any other cited references.

In view of the foregoing, it is respectfully submitted that the application, including amended claims and specification, is in condition for allowance. Favorable reconsideration and passage of this application to allowance are respectfully requested.

Respectfully submitted,



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